Hubner v. Reickhoff (1897) 103 Iowa, 368, 72 N. W. 540; *Schoenfeld v. Bourne* (1909) 159 Mich. 139, 123 N. W. 537. In general, the decisions *contra* are based on the ground that since such service was unknown to the common law and depends entirely on statutory provisions, power so granted must be strictly construed. Where notice was had by publication in proceedings to sell real estate for taxes, there is still greater tendency not to apply the doctrine. *Cf. Emeric v. Alvarado* (1891) 90 Calif. 444, 27 Pac. 356; *cf. Myers v. DeLisle* (1914) 259 Mo. 506, 168 S. W. 676. A reasonable way to settle the problem is to determine from the circumstances in each case, whether a reasonable man would have been put on notice by reading the publication. A recent case adopted substantially this view. *Ordean v. Grannis* (1912) 118 Minn. 117, 136 N. W. 575. It was there held that if the names when printed looked sufficiently alike to the eye, so that neither the defendant nor those who knew him could be misled, the service would be valid, although the true name and the name given were not strictly *idem sonans.*

PROPERTY—ESCHEAT—CONFLICT OF LAWS.—One Forney died intestate in California, of which state he was a resident, leaving deposits in banks in Nevada. The public administrator of Nevada reported no heirs and recommended the escheat of the property to that state. An illegitimate daughter of the decedent, who had always lived in California, then applied for the property on the ground that according to the law of Nevada she had been legitimated. *Held,* that she had no right to the estate, because her legitimation was governed by the law of California, under which she could not inherit. Sanders, J., *dissenting. In re Forney's Estate* (1919, Nev.) 184 Pac. 206.

One Clifford died intestate in Minnesota, leaving personal property in North Dakota. The administrator reported that the two surviving sisters were unlocated, and that the state should receive the whole property by escheat. The probate court decreed accordingly. The sisters then appeared and secured a modification of the decree, and applied to the State Treasurer, trustee of the fund, to have it turned over to them. He refused and they sued him and the state. *Held,* that they should recover. *Delaney v. State* (1919, N. D.) 174 N. W. 290.

Escheat is now principally regulated by statute. By the feudal theory of common law, when a man died intestate without inheritable blood the estate vested in the state at once by operation of law. See 4 Kent, *Commentaries* (13th ed. 1884) 424; 15 L. R. A. (N. S.) 382, note. As indicated in the note last cited, however, some courts with a more modern view made a judicial proceeding necessary before the state could vest title in itself or its grantee. This was later accomplished by statute in some jurisdictions, among them North Dakota, California, and Nevada, as is seen in the principal case. This seems the correct solution even without a statute, since in modern times the state does not take by succession, but by want of succession, by complete failure of title. If in fact there are neither heirs nor kindred, the death of the intestate is the operative fact which gives the state the right that his property shall escheat. But there appears no reason why the state should not be required to vindicate its right at law, like one who is heir-at-law. See 10 R. C. L. 609 ff. It is to be noted that the fiction as to the situs of personal property is dispensed with in the case of escheat, which is the usual result when that fiction conflicts with the law of the state wherein the property is situated. See Beale, *The Situs of Things* (1919) 28 YALE LAW JOURNAL, 525, 528.

PUBLIC SERVICE COMPANIES—TELEGRAPHS—SENDER'S CONTRACT AS BINDING RECEIVER.—The defendant company received the following message for transmission. "Prospects look higher for hogs selling fifty-five to-day." The mes-